

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KING K. GARDNER,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

CASE NO. C04-5545FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION

Plaintiff contends that the Magistrate Judge erroneously concluded that the Administrative Law Judge (ALJ) properly evaluated the medical evidence in determining Plaintiff's residual functional capacity. Specifically, Plaintiff refers to the permanent limitations imposed by Dr. Barnhouse in 1997.¹ After carefully considering Plaintiff's arguments against the analysis and authorities presented by the Magistrate Judge, the Court concludes that the Magistrate Judge did not err. Neither is the Court convinced that the Magistrate Judge erred in determining Plaintiff's credibility. Finally, the Court rejects Plaintiff's contentions that the Magistrate Judge erred at step five of the disability evaluation process in finding Plaintiff not disabled.

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and objections to the report and recommendation, if any,

¹Plaintiff refers to Dr. Barnhart in this context, which is taken as a reference to Dr. Barnhouse.

1 and the remaining record, does hereby find and ORDER:

- 2 (1) The Court adopts the Report and Recommendation;
- 3 (2) The administrative decision is AFFIRMED; and
- 4 (3) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
- 5 and Magistrate Judge Karen L. Strombom.

6 DATED this 12th day of January 2006.

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9 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE